

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/914,303	10/29/2001	Beatrice Mayoud	H3888 PCT/US 3699		
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COGNIS CORPORATION			EXAMINER		
2500 RENAISSANCE BLVD., SUITE 200 GULPH MILLS, PA 19406			OGDEN JR, NECHOLUS		
			ART UNIT	PAPER NUMBER	
			1751	9	
			DATE MAILED: 06/03/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application	•1	•				
Examiner Necholus Ogden  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(). In or event, however, may a reply be limited filled the control of more may be available under the provisions of 37 CFR 1.136(). In or event, however, may a reply be limited filled the control of may be publicated because the sea than 14th (20) days, a reply whith the addutery preliminary of thing (20) days will be considered timely.  If No period for reply is applied above, the meantment standary preliminary of the sea publisher to be realiting date of this communication.  If No period for reply is applied above, the meantment standary preliminary of the season and present them adjustment. Sea 27 CFR 1.794(s).  If No period for reply is applied above, the meantment standary previous standary and value of the communication. Sea 17 CFR 1.794(s).  Responsive to communication(s) filled on 18 February 2000.  2a) This action is FINAL.  2b) This action is final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) is sare abjected to is application.  4a) Of the above claim(s) is sare withdrawn from consideration.  5) Claim(s) is sare objected to by the Examiner.  10 The proposed drawing correction filled on is accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in aboyance. Sea 37 CFR 1.35(a).  11) The proposed drawing correction filled on is sare: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  If approv			Applicatio	n No.	Applicant(s)	
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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estancians of time may be available under the provisions of 3/CPR 1,136(a). In no evert, however, may a reply be timely filled after 52 (d) MONTHS from the mailing date of this communication.  Fallow time may be available under the provisions of 3/CPR 1,136(a). In no evert, however, may a reply be timely filled after 52 (d) MONTHS from the mailing date of this communication.  **In Secretic for reply is specified sown, the mailing mail of any and will expire 58(b) MONTHS from the mailing date of this communication.  **Fallow to reply within the each or setroided pretot for reply will, by stantic, cause the application to become ABMNONDED (50 U.S.C. § 133).  **Fallow to reply within the each or setroided pretot for reply will, by stantic, cause the application to become ABMNONDED (50 U.S.C. § 133).  **Responsive to communication(s) filled on 18 February 2000.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parts Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4) Claim(s) 1-39 is/are pending in the application.  4a) Of the above claim(s)	•	Office Action Summary	Examiner		Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercises of time may be available useful the provisions of 37 °P7 in 136(a). In no event, however, may a righty be timely filed  Expensions of time may be available useful the provisions of 37 °P7 in 136(a). In no event, however, may a righty be timely filed  Exercised to righty is expecified above, the maximum statistory parent will need to right to provision to reply section above. The maximum statistory parent value apply and vit despite \$35 (0) MONTH'S from the mailing date of this communication.  Failure to right which to first be the time there are mailing date of this communication, even if timely filed, may reduce any search parent term adjustment. See 37 °CFR 1.704(b).  Status  1)  Responsive to communication(s) filed on 18 February 2000.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 °C.D. 11, 453 °O.G. 213.  Disposition of Claims  4) Claim(s) 1-30 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) accepted or b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) More of the priority doc			)			
THE MAILING DATE OF THIS COMMUNICATION.  Eletenation of time may be available under the provisions of 3 CFR 1.35(g). In no event, however, may a trophy be timely filed after SX (6) MONTHS from the mailing date of this communication.  For provision of time may be available under the provisions of 3 CFR 1.35(g). In no event, however, may a trophy be timely filed after SX (6) MONTHS from the mailing date of this communication. Provision of the provision of the mailing date of this communication.  Failure to reply whithin the safe or extended particular for reply will, by statute, cause the application to become ABANDONED (35 U.S. C. § 133).  Any reply received by the Office later than these monitors due to the communication, even if limely filed, may reduce any seasoned particular term adjustment. See 3 CFR 1.70(g).  Status  1) Responsive to communication(s) filed on 18 February 2000.  2a) This action is FINAL.  2b) This action is final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-30 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 11-30 is/are allowed.  6) Claim(s) 11-30 is/are allowed.  6) Claim(s) 11-30 is/are allowed.  8) Claim(s) 11-30 is/are allowed.  8) Claim(s) 11-30 is/are allowed.  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) secepted or b) objected to by the Examiner.  Application Papers  10) The drawing(s) filed on is/are: a) secepted or bid objected to by the Examiner.  11) The proposed drawing correction filed on is/are: a) paperoved by disapproved by the Examiner.  12 provision of drawing correction filed on is/are: a) paperoved by disapproved by the Examiner.  12 proposed drawing correction filed on is/are: a) paperoved by the Examiner.  13 Acknowledgment is made of a claim for foreign priority			ppears on the	cover sheet with the o	correspondence ad	Idress
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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (105556) or DE (4224947).

EP '556 disclose an aqueous cleaning agent for cleaning kitchenware and other hard surfaces, said agent containing an anionic surfactant such as alkyl sulfate; an ethoxylated nonionic surfactant of an aliphatic alcohol; an alkyl polysaccharide such as alkyl polyglucoside; another nonionic surfactant; and a surfactant builder such as phosphates and carbonates. (see claim 5, pg. 10-pg. 11).

DE '947 disclose a washing agent containing an enzyme, synthetic sulfate or sulfonate anionic surfactants (pg. 2, lines 63-66); nonionic surfactants such as alkyl polyglycoside or alkyoxylates and builder substances. Note, see claims 3 and 4.

As these references teach all of the instantly required it is considered anticipatory.

6. Claims 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (19719606) in view of DE (105556).

DE '606 discloses a cleaning formulation comprising an alkyl or alkenyl sulfate; an alcohol polyethylene glycol ether; alkyl or alkenyl phosphates and electrolyte salts for simultaneously cleaning and antistatic finishing of coated metal surfaces.

DE '606 lacks a teaching of an alkyl oligoglycoside.

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DE '556 is relied upon as set forth above. Specifically, DE '556 teaches that alkyl oligoglycoside are used in for cleaning metal surfaces.

It would have been obvious to one of ordinary skill in the art to substitute the alkyl phosphates of DE '606 for the alkyl oligoglycoside of DE '556 because DE '556 teach that oligoglycoside reduce the traces after rinsing and DE '606 teach that alkyl phosphates are used for that same purpose. Therefore, one of ordinary skill in the art would have been motivated to substitute said components because only similar results would have been obtained in the absence of a showing to the contrary.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 703-308-3732. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Necholus Ogden Primary Examiner Art Unit 1751

no May 31, 2003